

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE NEW ENGLAND COMPOUNDING  
PHARMACY, INC. PRODUCTS LIABILITY  
LITIGATION

THIS DOCUMENT RELATES TO:

## All Suits Against the Saint Thomas Entities

MDL No. 2419  
Dkt. No 1:13-md-2419 (RWZ)

**SAINT THOMAS ENTITIES' MOTION TO ENFORCE COURT ORDER PERMITTING  
COMPARATIVE FAULT DISCOVERY AGAINST SETTLING PARTIES**

The Saint Thomas Entities<sup>1</sup> hereby move this Court to enforce its Order, Docket No. 1659, permitting defendants, including the Saint Thomas Entities, to take discovery relevant to certain defenses, such as comparative fault or negligence, and enter an Order compelling ARL BioPharma to fully participate in all comparative fault discovery. In support of this motion, the Saint Thomas Entities refer the Court to the arguments set forth in its accompanying Memorandum of Law, filed herewith.

<sup>1</sup> Saint Thomas West Hospital f/k/a St. Thomas Hospital; Saint Thomas Health; and Saint Thomas Network.

Dated: March 10, 2015

By their attorneys,

/s/ Sarah P. Kelly  
Sarah P. Kelly (BBO #664267)  
skelly@nutter.com

NUTTER McCLENNEN & FISH LLP  
Seaport West  
155 Seaport Boulevard  
Boston, Massachusetts 02210  
(617) 439-2000  
(617) 310-9461 (FAX)

OF COUNSEL:

Yvonne K. Puig\*  
Texas State Bar No. 16385400  
yvonne.puig@nortonrosefulbright.com  
Adam T. Schramek\*  
Texas State Bar No. 24033045  
adam.schramek@nortonrosefulbright.com  
Eric J. Hoffman\*  
Texas State Bar No. 24074427  
eric.hoffman@nortonrosefulbright.com

NORTON ROSE FULBRIGHT US LLP  
98 San Jacinto Blvd., Suite 1100  
Austin, Texas 78701  
(512) 536-2450  
(512) 536-4598 (FAX)

Marcy Hogan Greer\*  
Texas State Bar No. 08417650  
mgreer@adjtlaw.com

ALEXANDER DUBOSE JEFFERSON &  
TOWNSEND LLP  
515 Congress, Suite 2350  
Austin, Texas 78701  
(512) 482-9300  
(512) 482-9303

\*Appearing Pro Hac Vice

**LOCAL RULE 7.1 CERTIFICATE OF CONFERENCE**

I certify that I have conferred with counsel for ARL BioPharma in an attempt to resolve the issues presented in this motion and we have not been able to reach resolution.

/s/ Sarah Kelly

Sarah P. Kelly

**REQUEST FOR HEARING**

The Saint Thomas Entities hereby request a hearing on the issues presented in this motion.

/s/ Sarah Kelly

Sarah P. Kelly

**CERTIFICATE OF SERVICE**

I certify that this document filed through the CM/ECF system will be served electronically to the registered participants identified on the Notice of Electronic Filing this 10th day of March, 2015.

/s/ Sarah Kelly

Sarah P. Kelly

2757841.1